

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GREGG CARL BAIRD	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION No. H-14-2259
	§	
STUART JENKINS, <i>et al.</i> ,	§	
Respondents.	§	

RESPONDENT JOHN MCGUIRE’S UNOPPOSED MOTION FOR
EXTENSION OF TIME WITHIN WHICH TO FILE AN ANSWER

This a federal habeas corpus case brought by Petitioner Gregg Carl Baird pursuant to 28 U.S.C. §§2241 and 2254. By order of this Court, Respondent John McGuire has until September 30, 2014 to file his response.

Initially, Respondent McGuire requested that the Attorney General’s Office represent him in this matter. However, that agency was precluded from doing so due to the limitations of Tex. Gov’t Code § 76.006 (d) (“The attorney general shall not defend a department or its employees in cases in which a person under supervision challenges the fact or duration of the supervision.”). Respondent McGuire then requested that Brazos County provide representation in this matter on August 22, 2014. In response, the undersigned attorney became licensed with the Southern District of Texas on September 22, 2014. The undersigned attorney received the clerk’s record and reporter’s record for the state appeal on September

25, 2014. Consequently, there has not been sufficient time for the undersigned attorney to complete a review of the records and draft a response to the petition.

In further support of this motion, the undersigned would show this Court that this request is made because he has filed or is currently working on the following response(s) or is involved in the following case setting:

- Ex parte Christian Olsen, Brazos County cause no. 07-04601-CRF-361-A, State's answer in Tex. Code Crim. Proc. art. 11.071 death penalty application filed August 18, 2014.
- Montgomery v. State, Tenth Court of Appeals case no. 10-13-00298-CR, State's brief filed September 8, 2014.
- Johnson v. State, Seventh Court of Appeals case no. 07-14-00155-CR, State's brief due October 3, 2014.
- Makin v. State, Tenth Court of Appeals case no. 10-14-00044-CR, State's brief due October 6, 2014.
- Fielder v. State, Seventh Court of Appeals case no. 07-13-00353-CR, State's brief due October 6, 2014.
- Griffin v. State, Court of Criminal Appeals case no. AP-76-,834, oral argument in a death penalty case set for October 15, 2014 before the Court of Criminal Appeals.

This is Respondent McGuire's first request for extension. This request is not made for purposes of delay but so that justice may be served. Baird's counsel, Josh Schaffer, does not oppose the motion.

Accordingly, Respondent McGuire respectfully requests an extension of time of at least thirty (30) days, up to and including **Thursday, October 30, 2014** to file a response.

Respectfully submitted,

/s/ Douglas Howell, III
Douglas Howell, III
Assistant District Attorney
Brazos County, Texas
State Bar No. 10098100
Southern District Bar No. 2406668

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Attorney for Respondent John McGuire

CERTIFICATE OF CONFERENCE

I do hereby certify that I conferred with Josh Schaffer, and he does not oppose the requested motion for extension of time.

/s/ Douglas Howell, III
Douglas Howell, III
Assistant District Attorney

CERTIFICATE OF SERVICE

I do hereby certify that on the 30th day of September, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send a notification of such filing to the following: Josh Schaffer, 1301 McKinney, Suite 3100, Houston, Texas 77010; josh@joshschafferlaw.com.

/s/ Douglas Howell, III
Douglas Howell, III
Assistant District Attorney